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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,942	05/25/2000	William Lui	M-8369 US	7134

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EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE-MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/578,942

Applicant(s)

LUI, WILLIAM

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8-12, 14, 17-21, 23, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 7, 13, 15, 16, 22, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1-3, 9-12, 18-21, and 27 rejected under 35 U.S.C. 102(e) as being anticipated by Natarajan et al. U.S. Patent 6,304,546.
2. Referring to claims 1, 10, and 19, Natarajan reference disclose coupling one or more modified frame relay sub-interface entities (Figure 1, (120)) internal to at least one network router (Figure 1, (112)) with one or more corresponding data link layer entities internal to at least one unit under test (Figure 1, node (110); and col. 2, lines 40-52).
3. Referring to claims 2, 11, and 20, Natarajan reference disclose the unit under test is a computer system (col. 2, lines 29-37).
4. Referring to claims 3, 12, and 21, Natarajan reference disclose connecting at least one physical data link between the at least one network router and the at least one unit under test (col. 2, lines 53-65).
5. Referring to claims 9, 18, and 27, Natarajan reference disclose coupling at least one of the one or more modified frame relay sub-interface entities with at least one network layer entity (Figure 1, router).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2143

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 14, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of Lemler et al. U.S. Patent 6,546,420.

Natarajan reference disclose coupling one or more modified frame relay sub-interface entities internal to at least one network router with one or more corresponding data link layer entities internal to at least one unit under test; however, Natarajan fail to teach connecting at least one aggregation unit between the at least one network router and the at least one unit under test.

Lemler reference disclose connecting at least one aggregation unit between the at least one network router and the at least one unit under test (Figure 1b; and col. 6, lines 30-51).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Lemler's teaching into Natarajan's method to apply the aggregation unit between router and workstation; as a result, this will improve an efficiency of the network flow.

8. Claims 8, 17, and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of Sadjadi ("CTE Announces World's First Frame Relay Data Communication Device with Compression, Encryption, and TI/EI features").

Natarajan reference disclose coupling one or more modified frame relay sub-interface entities internal to at least one network router with one or more corresponding data link layer entities internal to at least one unit under test; however, Natarajan fail to teach at least one or more modified frame relay sub-interface entities logically coupled with at least one decryption-encryption service.

Art Unit: 2143

Sadjadi reference disclose at least one or more modified frame relay sub-interface entities logically coupled with at least one decryption-encryption service (page 2, 1st paragraph).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Sadjadi's teaching into Natarajan's method to apply the decryption-encryption service to frame relay; as a result, this allows for secure communication over frame relay networks.

Allowable Subject Matter

9. Claims 4,6-7,13,15-16,22, and 24-25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jabbarnezhad U.S. Patent 6,483,811

Kelley et al. U.S. Patent 6,147,998

Vasamsetti et al. U.S. Patent 6,584,074

Johnson et al. U.S. Patent 5,974,052

Mawhinney et al. U.S. Patent 6,038,219

Bosa et al. U.S. Patent 6,115,362

Von Hammerstein et al. U.S. Patent 6,278,708

Cidon et al. U.S. Patent 6,269,330

Art Unit: 2143


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4:30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Phuoc H. Nguyen
Examiner
Art Unit 2143

August 6, 2003


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100